

In the
Indiana Supreme Court



IN THE MATTER OF THE)
)
APPROVAL OF LOCAL RULES)
)
FOR BARTHOLOMEW COUNTY)

Case No. 03S00-1401-MS- 62

ORDER APPROVING AMENDED LOCAL RULES

The Judges of the Bartholomew Circuit and Superior Courts request the approval of amended local rules for caseload allocation in accordance with Ind. Administrative Rule 1(E). Attached to this Order are the proposed amended local rules.

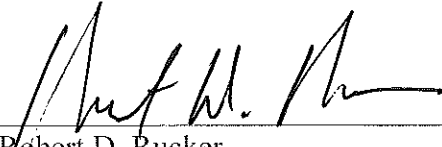
Upon examination of the proposed rule amendments requested by the Bartholomew Circuit and Superior Courts, this Court finds that the proposed rule amendments, LR03-CR2.2-1 and LR03-AR1-1 comply with the requirements of Ind. Administrative Rule 1(E), and, accordingly, should be approved and posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rules LR03-CR2.2-1 and LR03-AR1-1 for Bartholomew Circuit and Superior Courts, set forth as an attachment to this Order, are approved effective retroactive to January 15, 2014. The Clerk of this Court is directed to forward a copy of this Order to the Hon. Kathleen Tighe Coriden, Bartholomew Superior Court 2, 234 Washington, Columbus, IN 47201-6750; the Hon. Stephen R. Heimann, Bartholomew Circuit Court, 234 Washington, Columbus, IN 47201-6750; to the Hon. James Worton, Bartholomew Superior Court 1, 234 Washington, Columbus, IN 47201-6750; to the Clerk of the Bartholomew Circuit and Superior Courts; and to the Division of State Court Administration. The Clerk is also directed to post this Order on the Court's website.

The Clerk of the Bartholomew Circuit and Superior Courts is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachment

for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, on January 29, 2014.



Robert D. Rucker
Acting Chief Justice of Indiana

LR03-CR2.2-1: General Rules for Assignment of Criminal Cases

(A) Superior Court 2. The following types of cases shall be docketed with Superior Court 2:

- (1) all class D, C, and B felonies related to driving offenses;
- (2) all class D felony possession of controlled substances offenses;
- (3) all classes of misdemeanors ~~(except Domestic Violence cases)~~; and
- (4) all classes of infractions.

(B) **Circuit and Superior Court 1.** The clerk shall docket the following with the Circuit Court and Superior Court 1 in a random method. The following types of cases shall be docketed with these two courts according to the aforementioned method:

- (1) all class A-D felonies (except those specifically denoted to be filed in Superior Court 2 ~~and except for Domestic Violence cases~~) and
- (2) murder, including capital offenses.

(C) **Domestic Violence Cases.** ~~All Domestic Violence and Domestic Sex Offenses, excluding Murder, shall be filed in the Bartholomew Superior Court I, including misdemeanor charges.~~ All Class D felony Domestic Battery, Strangulation, and Intimidation cases shall be filed in Circuit Court, Superior Court 1 and Superior Court 2 in a random fashion.

(D) **Defendants with Multiple Actions.** Notwithstanding LR03-CR2.2-1(a) and (b), when a defendant has a case pending against them in Circuit or Superior Court 1, during the pendency of that case, all subsequent criminal actions filed against that defendant shall be assigned to the court where the initial case was assigned.

(E) **Co-Defendants.** When two or more defendants are charged with felonies as the result of the same underlying set of facts, they shall all be charged in the same court.

(F) **Charges Alleging violation of Protective Order.** When a defendant is charged with violation of a Protective Order, those charges shall be filed in the court where the protective order was issued.

(G) **Prosecutor's Knowledge of Potential Conflict.** In the event the prosecutor has knowledge prior to the filing of a case that a judge should not receive a case because of a conflict, or for some other reason, the prosecutor may request the filing of a case in a specific court by making specific allegations in a written request filed at the time of filing said case. The judge of the Court in which the prosecutor seeks to file said case may approve this request.

CIVIL CASE FILINGS

(A) Infraction cases (except for juvenile non-driving infractions) shall be filed in Superior Court 2.

(B) Ordinance Violation cases ~~may be filed in any court~~ shall be filed in Superior Court 2.

(C) Juvenile Chins, Delinquents, Status, ~~Paternity,~~ Termination, Miscellaneous, ~~Status,~~ Juvenile Infractions, and
~~and Juvenile Ordinance Violation~~ cases shall be filed in Circuit Court.

(D) Civil Plenary, Reciprocal, Adoption, Estates, Guardianships Trusts, and

Miscellaneous Civil cases may be filed in any court, except that all MI cases filed by a governmental entity shall be filed in Circuit Court.

(E) Civil Tort, Paternity, and Domestic Relations cases shall be filed randomly between Circuit, Superior 1 and Superior 2 Courts.

(F) Mortgage Foreclosure cases may be filed in either Circuit or Superior 1.

(G) Civil Collection cases filed by a governmental entity shall be filed in Circuit. All other Civil Collection cases shall be filed in randomly between Superior Court 1 and Superior Court 2.

(H) Small Claim cases shall be filed in Superior Court 2.

(I) Mental Health cases shall be filed in Superior Court 1.

(J) Protective Order cases shall be filed randomly between Superior 1 and Superior 2 ~~Courts~~ Courts with Superior Court 1 receiving one-third (1/3) and Superior Court 2 receiving two-thirds (2/3) of these cases, unless there is currently pending a case involving the parties in another Bartholomew County Court. If there is a currently pending case involving the parties in another Bartholomew County Court, then the protective order case shall be filed in the court where the other case is pending, unless the underlying case is a DR filed in Circuit Court. In that case, the protective order case shall be filed in Superior Court 2 and the DR case shall be transferred to Superior Court 2. All protective order cases where the respondent is a juvenile shall be filed in Circuit Court. Circuit Court shall retain those PO cases where there is currently pending another case in Circuit Court, other than a DR case, (such as JP, JC, JD, JS, or JT cases).

TRANSFER OF CASES AS A RESULT OF CONFLICTS BETWEEN SUPERIOR COURT 2 JUDGE AND FAMILY MEMBERS WHO PRACTICE LAW

The judge in Bartholomew Superior Court 2 has a husband and a son who practice law in a law firm with additional associates, all of whom practice law in Bartholomew County. To avoid conflicts and the appearance of impropriety, in the event that an attorney from the law firm of either the husband or son of the Superior Court 2 judge enters their appearance on behalf of a party in a case in Superior Court 2, Superior Court 2 will transfer the case as follows:

(A) All criminal felony and misdemeanor cases, as well as all PC, CM, and MC cases shall be transferred to ~~Circuit~~Superior Court 1.

(B) All OV, PL, MF, CC, CT, DR, RS, MH, AD, EU, GU, TR, PO, and MI cases shall be transferred to ~~Superior~~Circuit Court 1.

(C) The Circuit Court Judge shall be named as Special Judge in all ~~HFSC~~ cases.

(D) The Superior Court 1 Judge shall be named as Special Judge in all ~~SCIF~~ cases.